

SENATE BILL 2983
By Burks

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 3, Part 6 and Section 39-13-102, relative to orders of protection, the enforcement of such orders and the penalties for violating such orders.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-3-609, is amended by designating the existing language as subsection (a) and by adding the following new subsections:

(b) An order of protection issued pursuant to this section shall be in full force and effect against the respondent from the time it is actually served upon the respondent as provided in subsection (a) or from the time the respondent acquired actual knowledge of the order.

(c) A respondent shall be presumed to have acquired actual knowledge of an order of protection if the respondent was properly served with an ex parte order of protection and the respondent failed to appear at the hearing on the order of protection. In such case, the respondent shall be presumed to have acquired knowledge of the order of protection from the time of the hearing on such order and shall be presumed to have acquired knowledge of the conditions contained therein unless they are substantially and materially different than the conditions contained in the ex parte order. If the conditions contained in the order of protection are substantially and materially different than the conditions contained in the ex parte order, the conditions contained in the ex parte order shall remain in effect until the respondent is served with the order of protection.

SECTION 2. Tennessee Code Annotated, Section 39-13-102, is amended by deleting from the first sentence of subsection (c) the language "diversion or probation agreement" and

substituting instead the language “diversion, probation agreement, or order of protection in effect pursuant to § 36-3-609(b)”.

SECTION 3. This act shall take effect July 1, 2004, the public welfare requiring it.